

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	
DEEP MARINE HOLDINGS, INC. <i>et al.</i>, Debtors	§	Case No. 09-39313-H1-11
	§	
	§	Chapter 11
JOHN BITTNER, LIQUIDATING TRUSTEE, Plaintiff	§	
	§	
	§	Adversary No. 10-3312
	§	
vs.	§	
	§	Judge Isgur
NASSER KAZEMINY, <i>et al.</i>, Defendants	§	
	§	

TRUSTEE’S AMENDED WITNESS AND EXHIBIT LIST

(Relates to docket ##55 and 70)

WITNESSES

Plaintiff, John D. Bittner, in his capacity as Liquidating Trustee of the Deep Marine Liquidating Trust (the “Trustee”), may call any of the following witnesses at the continued hearing on the *Motion of Defendants to Dismiss Complaint and/or Strike Pleadings as Sanction for Violation of Fed. R. Bankr. P. 9011 and for Imposition of Monetary Sanctions* (Dkt. No. 55) and at the hearing on the *Motion of Defendants for Sanctions and Disqualification* (Dkt. No. 70) to be held March 10, 2011, at 9:00 a.m. whether in person or by proffer:

1. Mark Mathie, an attorney at McKool Smith, P.C.
2. Hugh M. Ray, III, an attorney at McKool Smith, P.C.
3. John Bittner, Trustee.
4. Paul McKim, live or by deposition.
5. Casey Wallace, an attorney at Haynes & Boone.
6. Arthur Howard, an attorney at Haynes & Boone.

7. K. B. Battaglini, an attorney at Greenberg Traurig.
8. Robert Weinstine, an attorney at Winthrop & Weinstine.
9. Thomas Henderson, attorney at law.
10. Any witnesses designated or called by Defendants or any other party.
11. Any witnesses necessary to rebut the testimony of witnesses called or designated by any other party.
12. Any witnesses necessary for impeachment purposes.

EXHIBITS

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
1.	May 31, 2008 Shareholder Allocation Chart					
2.	July 30, 2008 Letter to Employees of DMT from Nasser Kazeminy					
3.	May 5, 2006 Letter from Nasser J. Kazeminy to Bruce Gilman					
4.	May 5, 2006 Letter from Nasser J. Kazeminy to Larry Lenig					
5.	The ComVest Group list of Operating Partners					
6.	The ComVest Group bio for Nasser J. Kazeminy					
7.	Apr. 21, 2009 Order, <i>FLI Deep Marine v. McKim et al.</i> , C.A. No. 4138-VCN					
8.	July 3, 2009 Email chain re DMH short-form merger					
9.	Nov. 2, 2009 Hearing Transcript, <i>FLI Deep Marine v. McKim et al.</i> , C.A. No. 5020-VCS					
10.	Oct. 26, 2004 Minutes of Special Shareholders' Meeting of DMT					
11.	Dec. 16, 2004 DMT Board of Directors Meeting					

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
12.	McKim Deposition Testimony 211:20-212:8					
13.	Thomas Deposition Testimony 63:22-25					
14.	Thomas Deposition Testimony 104:19-25					
15.	Abadie Deposition Testimony 39:13-22, 40:10-13					
16.	May 9, 2007 Letter from Davies to Lenig					
17.	July 12, 2008 Report by Noble Denton Marine					
18.	Notice of Rule 2004 Request to Otto Candies, LLC; Otto Candies, Jr.; and Otto Candies III for Production of Documents					
19.	Notice of Rule 2004 Request to Nasser Kazeminy; NJK Holding, Corp.; and DCC Ventures, LLC for Production of Documents					
20.	Dec. 23 2009 Transmittal Email from H.M. Ray, III attaching Dec. 22, 2009 Committee's Expedited Requests for Production					
21.	Feb. 25, 2010 Letter from John Bittner to K. B. Battaglini					
22.	Jan. 26, 2010 Email exchange between H.M. Ray, III and Karl Zimmermann					
23.	Cover Pages and Appearances for Feb. 2, 2010 Deposition Transcript for Otto Candies, Jr.					
24.	Cover Pages and Appearances for Feb. 4, 2010 Deposition Transcript for Wade Abadie					
25.	Cover Pages and Appearances for Feb.3, 2010 Deposition Transcript for Otto Candies, III					

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
26.	Cover Pages and Appearances for Feb. 4, 2010 Deposition Transcript for John Hudgens					
27.	Cover Pages and Appearances for Feb. 3, 2010 Deposition Transcript for John Bittner					
28.	Feb. 16, 2010 Document Subpoena to DCC Ventures, LLC					
29.	Feb. 19, 2010 Document Subpoena to Triomphe Investors					
30.	Jan. 19, 2010 Transmittal Email from H.M. Ray, III attaching Committee's First Request for Production of Documents to GEBFS and GECC					
31.	Feb. 12, 2010 Letter from Susan Mathews to H.M. Ray, III enclosing CD of loan files for Diamond and Emerald					
32.	Mar. 23, 2010 Letter from Karl Zimmermann to Paul Moak enclosing Response to Request for Production of Documents					
33.	Mar. 31, 2010 Letter from Joseph Windler to Paul Moak enclosing initial document production bates labeled NJK000001-3046					
34.	Jul. 30, 2004 Email from John Ellingboe (McKim Exh. 1)					
35.	May 5, 2006 Letter from Nasser Kazeminy to Drew Michel (McKim Ex. 2)					
36.	Jun. 12, 2006 Oversight Services Agreement (McKim Exh. 3)					
37.	Oct. 26, 2004 Minutes of Special Shareholders' Meeting of Deep Marine Technology Incorporated (McKim Exh. 4)					

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
38.	Feb. 8, 2005 Board of Directors Minutes of Deep Marine Technology, Inc. (McKim Exh. 5)					
39.	May 31, 2008 Oversight Services Agreement (McKim Exh. 6)					
40.	Document production bates labeled DTM 03066 through DTM 03096 (McKim Exh. 7)					
41.	Nov 3, 2006 Email from Otto Candies III regarding sale of DMT Emerald (McKim Exh. 8)					
42.	Nov. 14, 2005 Board of Directors Meeting of Deep Marine Technology, Inc. (McKim Exh. 9)					
43.	Jul. 18, 2006 Board of Directors Meeting of Deep Marine Technology, Inc. (McKim Exh. 10)					
44.	Jan. 27, 2007 Board of Directors Meeting of Deep Marine Technology, Inc. (McKim Exh. 11)					
45.	Mar. 13, 2007 Email from Bruce Gilman (McKim Exh. 12)					
46.	Mar. 9, 2007 Email from Paul McKim (McKim Exh. 13)					
47.	Jul. 30, 2008 Memo from Nasser Kazeminy to Employees of DMT (McKim Exh. 14)					
48.	Aug. 9, 2006 Email exchange between Paul McKim and John Ellingboe (McKim Exh. 15)					
49.	Jan. 14, 2008 Report on condition of 40T Goodcrane delivered to Candies Shipbuilders in Houma, LA., to be installed on the DMT Sapphire (McKim Exh. 16)					
50.	Proof of Claim of Otto Candies, LLC in the Deep Marine Technology Incorporated bankruptcy case (McKim Exh. 17)					

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
51.	Nov. 16, 2006 Letter from Paul McKim to Otto Candies, LLC terminating Blanket Time Charter of Mother Teresa/Job Number 24022 (McKim Exh. 18)					
52.	Jan. 17, 2007 Letter from Paul Candies to Paul McKim (McKim Exh. 19)					
53.	Feb. 2, 2007 Letter from Paul McKim to Paul Candies regarding invoice disputes (McKim Exh. 20)					
54.	Jul 3, 2009 Email exchange between James Wilson and Larry Lenig (McKim Exh. 21)					
55.	Dec. 8, 2007 Diamond Dry Dock SOW (McKim Exh. 22)					
56.	Oct. 23, 2008 Report Common Marine Inspection Survey of "DMT Diamond" at Port Fourchon on July 12, 2008 (McKim Exh. 23)					
57.	Jul. 25, 2008 Email from Dennis Heard to Grady Cable (McKim Exh. 24)					
58.	Oct. 26, 2006 Email from Mike Luinstra to Wade Abadie (McKim Exh. 25)					
59.	Sep. 21, 2010 Letter from Mark Mathie to Thomas Henderson					
60.	Sep. 23, 2010 Letter from Mark Mathie to Thomas Henderson					
61.	Mar. 4, 2011 Email from Arthur Howard to Mark Mathie					
62.	Nov. 5, 2008 Email from Robert Weinstine to Arthur Howard					
63.	Nov. 4, 2008 Letter from David Aafedt to Arthur Howard					
64.	April 7, 2009 Paul McKim Deposition transcript					
65.	Feb. 25, 2011 Paul McKim Deposition transcript					

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
66.	Aug. 11, 2010 First Rule 11 Letter from Thomas Henderson					
67.	Oct. 18, 2010 Hearing Transcript					
68.	Oct. 26, 2010 Second Rule 11 Letter from Thomas Henderson					
69.	Nov. 2, 2010 Order Denying Motion to Dismiss as a Sanction and Conditionally Ordering Mediation (Dkt. No. 51)					
70.	Mar. 2, 2011 Letter from Christianna Finnern to Mark Mathie					
71.	SLC's Interim Report					
72.	SLC's Final Report					
73.	Oct. 30, 2008 Plaintiff's Original Petition in cause no. 2008-64385					
74.	June 11, 2009 Plaintiff's First Amended Petition in cause no. 2008-64385					
75.	Confidential settlement communications (to be disclosed if required)					
76.	Any exhibits designated and/or used by Defendants or any other party					
77.	Any exhibits needed for impeachment purposes					

The Trustee reserves the right to supplement or amend this Witness and Exhibit List at any time prior to the trial.

DATED: March 4, 2011.

Respectfully submitted,

MCKOOL SMITH P.C.

By: /s/ Hugh M. Ray, III
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ATTORNEYS FOR LIQUIDATING TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2011, a true and correct copy of the foregoing document has been served via DLR 5.1 and the ECF system to the parties on the ECF service list.

/s/ Hugh M. Ray, III
HUGH M. RAY, III